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"K" Line America, Inc. and  
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David D. Jensen (DJ-2261)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: TRAIN DERAILMENT NEAR  
TYRONE, OKLAHOMA, ON APRIL 21, 2005

08 MD 1936 (BSJ) (DF)  
06 Civ. 0615 (BSJ) (DF) &  
consolidated cases

**STIPULATION OF  
DISMISSAL BETWEEN  
"K" LINE AMERICA, INC.,  
KAWASAKI KISEN KAISHA,  
LTD., AND UNION PACIFIC  
RAILROAD COMPANY**

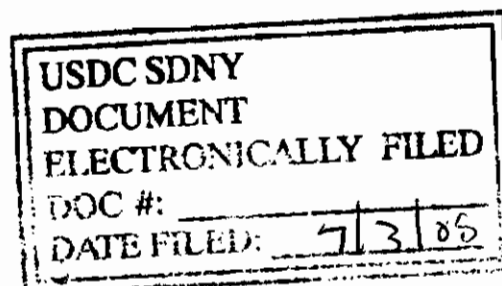
TO THE HONORABLE UNITED STATES DISTRICT COURT:

WHEREAS, Defendants, Cross-Claimants, Third-Party Plaintiffs, and Third-Party Defendants "K" Line America, Inc. ("KAM") and Kawasaki Kisen Kaisha, Ltd. ("KL") (collectively "K Line Parties"), on the one hand, and Defendant, Cross-Claimant and Third-Party Plaintiff Union Pacific Railroad Company ("UPRR"), on the other, have entered into a settlement agreement,

NOW THEREFORE, on the consent of the K Line Parties and UPRR the claims listed below shall be, and hereby are, DISMISSED with prejudice:

1. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 0615;

692233.00385/6648982v.1



2. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 0615;
3. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 2557;
4. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 2557;
5. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 2956;
6. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 2956;
7. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 2962;
8. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 2962;
9. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 3038;
10. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 3038;
11. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 3040;
12. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 3040;
13. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 3042;
14. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 3042;
15. Third-Party Claim asserted by UPRR against the K Line Parties in 06 Civ. 3042;
16. Counter-Claim asserted by the K Line Parties against UPRR in 06 Civ. 3042;
17. Cross-Claim asserted by the K Line Parties against UPRR in 06 Civ. 5159; and
18. Cross-Claim asserted by UPRR against the K Line Parties in 06 Civ. 5159.

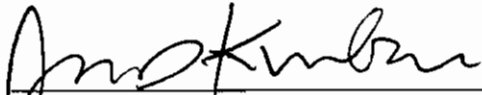
As used herein, the term K Line Parties refers to KL (only) or KAM (only) where only KL or KAM have asserted the claims at issue, or where the claims at issue have only been asserted against one of them, as the case may be.

The undersigned parties hereby consent to the entry of this Order without further notice. Notice of this Stipulation has been served on all other parties.

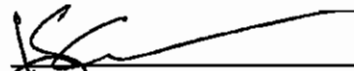
Dated: June 3 2008  
New York, New York

"K" LINE AMERICA, INC. &  
KAWASAKI KISEN KAISHA, LTD.

UNION PACIFIC RAILROAD COMPANY



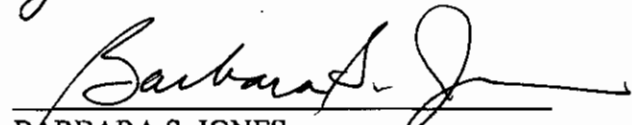
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It is SO ORDERED this 3<sup>rd</sup> day of July, 2008.



BARBARA S. JONES  
United States District Judge